

EXHIBIT B

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Attorneys for Intervenor-Defendant
Emery County Coal Resources Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

SIERRA CLUB,

Plaintiff,

v.

KENT HOFFMAN, in his official capacity as Deputy State Director, Division of Lands and Minerals, Utah State Office, U.S. Bureau of Land Management; U.S. BUREAU OF LAND MANAGEMENT; and U.S. DEPARTMENT OF THE INTERIOR

Defendants.

**[PROPOSED] INTERVENOR
EMERY COUNTY COAL
RESOURCES INC.'S STATEMENT
DENYING ARBITRARY AND
CAPRICIOUS AGENCY ACTION**

Case No. 4:22-cv-00037-PK

Magistrate Judge Paul Kohler

Pursuant to the Court's local rule [DuCivR 7-4\(a\)\(2\)\(B\)](#), Emery County Coal Resources Inc. (herein "ECCR" or "Intervenor Defendant"), by and through undersigned counsel, hereby responds to Plaintiff's Complaint for Declaratory and Injunctive Relief. Plaintiffs challenge the Bureau of Land Management's January 5, 2021 decision to modify federal coal leases UTU-014218 and UTU-0126947 (the "Leases"), located in Emery County, Utah. ECCR is the lessee of record of the Leases. ECCR denies Plaintiff's contentions that Federal Defendant's actions in

this case were arbitrary and capricious or otherwise contrary to law. ECCR therefore denies that the Plaintiff in the above-captioned matter is entitled to relief of any kind, including the declaratory and injunctive relief prayed for in their Complaint filed on June 10, 2022.

DATED this 22nd day of June, 2022.

Respectfully submitted,

/s/ Denise A. Dragoo

Denise A. Dragoo
Paul W. Shakespear
James P. Allen
SNELL & WILMER, L.L.P.

*Attorneys for Intervenor-Defendant
Emery County Coal Resources Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of June, 2022, I caused a true and accurate copy of the foregoing **INTERVENOR EMERY COUNTY COAL RESOURCES INC.'S STATEMENT DENYING ARBITRARY AND CAPRICIOUS AGENCY ACTION** to be filed electronically with the Court which caused the following to be served electronically through ECF:

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The following parties were served via hand-delivery and certified mail, return receipt requested:

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/s/ Mindi K. Mordue